

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

<p>IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION</p>	
<p>THIS DOCUMENT RELATES TO:</p> <p><i>The City of New York v. Abbott Laboratories, Inc., et al.</i> S.D.N.Y. Case No. 04-CV-06054</p> <p><i>County of Albany v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0425</p> <p><i>County of Allegany v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-0236</p> <p><i>County of Broome v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0456</p> <p><i>County of Cattaraugus v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-0256</p> <p><i>County of Cayuga v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0423</p> <p><i>County of Chautauqua v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-0214</p> <p><i>County of Chemung v. Abbott Laboratories, Inc., et al.</i> W.D.N.Y. Case No. 05-CV-6744</p> <p><i>County of Chenango v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0354</p> <p><i>County of Columbia v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0867</p> <p><i>County of Cortland v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0881</p> <p><i>County of Dutchess v. Abbott Laboratories, Inc., et al.</i> S.D.N.Y. Case No. 05-CV-6458</p> <p><i>County of Essex v. Abbott Laboratories, Inc., et al.</i> N.D.N.Y. Case No. 05-CV-0878</p>	<p>MDL NO. 1456 Civil Action No. 01-12257-PBS</p> <p>Judge Patti B. Saris</p> <p><b>MOTION FOR LEAVE TO FILE EXHIBIT B TO THE FIRST AMENDED CONSOLIDATED COMPLAINT UNDER SEAL</b></p>

*County of Fulton v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0519

*County of Genesee v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-00267

*County of Greene v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0474

*County of Herkimer v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-00415

*County of Jefferson v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0715

*County of Lewis v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0839

*County of Madison v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-00714

*County of Monroe v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-6148

*County of Nassau v. Abbott Laboratories, Inc., et al.*  
E.D.N.Y. Case No. 04-CV-05126

*County of Niagara v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-06296

*County of Oneida v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0489

*County of Onondaga v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0088

*County of Ontario v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-6373

*County of Orleans v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-6371

*County of Putnam v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 05-CV-04740

*County of Rensselaer v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-00422

*County of Rockland v. Abbott Laboratories, Inc., et al.*

<p>S.D.N.Y. Case No. 03-CV-7055  <i>County of Schuyler v. Abbott Laboratories, Inc., et al.</i>  W.D.N.Y. Case No. 05-CV-6387</p> <p><i>County of Seneca v. Abbott Laboratories, Inc., et al.</i>  W.D.N.Y. Case No. 05-CV-6370</p> <p><i>County of St. Lawrence v. Abbott Laboratories, Inc., et al.</i>  N.D.N.Y. Case No. 05-CV-0479</p> <p><i>County of Saratoga v. Abbott Laboratories, Inc., et al.</i>  N.D.N.Y. Case No. 05-CV-0478</p> <p><i>County of Steuben v. Abbott Laboratories, Inc., et al.</i>  W.D.N.Y. Case No. 05-CV-6223</p> <p><i>County of Suffolk v. Abbott Laboratories, Inc., et al.</i>  E.D.N.Y. Case No. 03-CV-12257</p> <p><i>County of Tompkins v. Abbott Laboratories, Inc., et al.</i>  N.D.N.Y. Case No. 05-CV-0397</p> <p><i>County of Ulster v. Abbott Laboratories, Inc., et al.</i>  N.D.N.Y. Case No. 06-CV-0123</p> <p><i>County of Warren v. Abbott Laboratories, Inc., et al.</i>  N.D.N.Y. Case No. 05-CV-0468</p> <p><i>County of Washington v. Abbott Laboratories, Inc., et al.</i>  N.D.N.Y. Case No. 05-CV-0408</p> <p><i>County of Wayne v. Abbott Laboratories, Inc., et al.</i>  W.D.N.Y. Case No. 05-CV-06138</p> <p><i>County of Westchester v. Abbott Laboratories, Inc., et al.</i>  S.D.N.Y. Case No. 03-CV-6178</p> <p><i>County of Wyoming v. Abbott Laboratories, Inc., et al.</i>  W.D.N.Y. Case No. 05-CV-6379</p> <p><i>County of Yates v. Abbott Laboratories, Inc., et al.</i>  W.D.N.Y. Case No. 05-CV-06172</p>	
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Plaintiffs, the City of New York and the captioned Counties respectfully file this Motion for Leave to File Exhibit B to their First Amended Consolidated Complaint under seal.

Exhibit B to the First Amended Consolidated Complaint contains proprietary pricing information from documents and data produced by third parties and marked “HIGHLY CONFIDENTIAL” and “CONFIDENTIAL” pursuant to the terms of the December 13, 2002 Protective Order. The Protective Order requires that Exhibit B be sealed as a result.

A proposed form of order is attached hereto.

WHEREFORE, Plaintiffs respectfully request that the Court grant them leave to file Exhibit B to the First Amended Consolidated Complaint under seal.

Dated: June 8, 2007

Respectfully submitted,

**City of New York and all captioned  
Counties except Nassau, by**

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/s/ Joanne M. Cicala  
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Aaron D. Hovan (AH 3290)

**For the City of New York**

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*Special Counsel for the  
County of Nassau*

**Certificate of Service**

I certify that on June 8, 2007 a true and correct copy of the foregoing Motion for Leave to File Exhibit B to the First Amended Consolidated Complaint Under Seal was served on all Counsel of Record by electronic service pursuant to Case Management Order No. 2 by sending a copy to LexisNexis File and Serve for posting and notification to all parties.

/s/ Aaron D. Hovan  
Aaron D. Hovan

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N.D.N.Y. Case No. 05-CV-0478

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E.D.N.Y. Case No. 03-CV-12257

*County of Tompkins v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 05-CV-0397

*County of Ulster v. Abbott Laboratories, Inc., et al.*  
N.D.N.Y. Case No. 06-CV-0123

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W.D.N.Y. Case No. 05-CV-06138

*County of Westchester v. Abbott Laboratories, Inc., et al.*  
S.D.N.Y. Case No. 03-CV-6178

*County of Wyoming v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-6379

*County of Yates v. Abbott Laboratories, Inc., et al.*  
W.D.N.Y. Case No. 05-CV-06172

Having considered the motion, Plaintiff New York Counties are hereby granted leave to file Exhibit B to their First Amended Consolidated Complaint under seal.

Dated: June \_\_, 2007

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Hon. Patti B. Saris  
United States District Court Judge